

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	CONSENT ORDER OF
)	
Certificate of Alvin M. Usher, Jr.)	VOLUNTARY SURRENDER
)	
Certificate # 097371)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 9, 2004. On July 8, 2003, the State Board issued an order summarily suspending the South Carolina educator's certificate (certificate) number 097371 issued to Alvin M. Usher, Jr. On July 16, 2003, the State Department of Education (Department) sent a notice of the possible suspension or revocation of his certificate to Mr. Usher by certified mail, return receipt requested, delivery restricted to addressee. Mr. Usher received the notice as evidenced by a postal receipt bearing his signature and initially requested a hearing. On September 9, 2003, the State Board affirmed its decision to summarily suspend Mr. Usher's certificate despite the fact that the criminal charges pending against him were dismissed. A hearing was scheduled for June 24, 2004, before John J. Fantry, Jr., Esquire, a hearing officer appointed by the State Board. Prior to the hearing the Department offered Mr. Usher an alternative resolution in lieu of the hearing where the Department would seek the revocation of his certificate. Mr. Usher agreed to the voluntary surrender of his certificate. The agreement allows Mr. Usher the right to re-apply for a certificate after three years from the date of this order. If he chooses to re-apply for a certificate, Mr. Usher must undergo a character fitness review by the State Board. This surrender will be reported to the NASDTEC Clearinghouse and all South Carolina school districts on the grounds of unprofessional conduct. After considering the evidence presented, the State Board voted to accept the voluntary surrender of Mr. Usher's certificate upon the terms set forth above.

Mr. Usher holds a valid South Carolina certificate with twenty-eight years of teaching experience. He was under contract with the Chesterfield County School District (District) for the 2002-2003 school year as a physical educator teacher and coach at Central High School. On February 7, 2003, Mr. Usher was placed on administrative

Alvin M. Usher, Jr. # 097371

Initials

Date

leave with pay following a preliminary investigation into allegations that he engaged in inappropriate conduct of a sexual nature with a female student on January 31, 2003. Subsequent allegations were made by other students and former students that Mr. Usher acted in a sexually inappropriate manner towards them. Following an investigation by the South Carolina Law Enforcement Division (SLED), Mr. Usher was arrested on June 11, 2003 and charged with Lewd Act Upon a Child Under Sixteen. Solicitor Jay Hodge dismissed these charges on September 4, 2003. During the 2003-2004 school year, Mr. Usher was relieved of his coaching duties and transferred to the District's Alternative School. The District Board did not renew Mr. Usher's contract for the 2004-2005 school year. Mr. Usher denies any wrongdoing but is willing to surrender his certificate because he plans to retire from teaching and pursue a career in business.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (1990). Just cause includes "(4) Unprofessional conduct." S.C. Code Ann. § 59-25-160 (1990). The State Board finds that there is substantial evidence to support its decision to accept the voluntary surrender of Mr. Usher's certificate # 097371, effective July 20, 2004, upon the conditions set forth above.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary E. Jones

Chair

Columbia, South Carolina

June 9, 2004

I, Alvin M. Usher, Jr., SC Teaching Certificate # 097371, do hereby agree to the proposed Consent Order of Voluntary Surrender, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Tuesday, June 9, 2004, for approval.

/S/ Alvin M. Usher, Jr.
Alvin M. Usher, Jr.

6/8/04
Date